

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JANE E. FISHER, Executrix of the Estate	:	
of Bradley Fisher, Deceased,	:	
	:	
Plaintiff	:	
	:	
V.	:	3: CV-99-1976
	:	
MARQUIP, INC., and WILL-PEMCO,	:	(JUDGE VANASKIE)
INC., a/k/a PEMCO, INC., successor-	:	
in-interest to CLARK AIKEN MATIK,	:	
	:	
Defendant	:	

ORDER

AND NOW, this day of , 2004, upon consideration of Plaintiff's Motion in Limine to Preclude Admission of OSHA Inspection Report, supporting Brief and any Opposition by the Defendants, IT IS HEREBY ORDERED AND DECREED that the Motion is granted. Defendants are precluded from introducing, referring to and/or arguing about the OSHA inspection report.

BY THE COURT:

Thomas I. Vanaskie, Chief Judge
Middle District of Pennsylvania

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JANE E. FISHER, Executrix of the Estate	:	
of Bradley Fisher, Deceased,	:	
	:	
Plaintiff	:	
	:	
V.	:	3: CV-99-1976
	:	
MARQUIP, INC. and WILL-PEMCO,	:	(JUDGE VANASKIE)
INC., a/k/a PEMCO, INC.,	:	
successor-in-interest to CLARK	:	
AIKEN MATIK, INC.,	:	
	:	
Defendant	:	

**PLAINTIFF'S MOTION IN LIMINE TO PRECLUDE ADMISSION OF OSHA
INSPECTION REPORT IDENTIFIED BY THE DEFENDANTS**

Plaintiff, by her attorneys, The Powell Law Group, P.C., hereby files this Motion and, in support thereof, avers as follows:

1. The present case involves a sheeter/splicer manufactured by the Defendant which was unsafe for its intended use. On June 14, 1999, the unsafe condition of the sheeter/splicer caused injuries and death to Bradley Fisher.
2. The Occupational Safety and Health Administration conducted an investigation into this incident.
3. In discovery, a partial OSHA report has been produced by Plaintiff's decedent's employer, International Paper.
4. Defendants have listed the partial OSHA report as an exhibit which they intend to introduce at the trial of this matter. *See* Defendants' Rule 26(a)(3) Disclosures.

5. The partial OSHA report listed as an exhibit by Defendants contains numerous redactions, only some of which are expressly indicated as follows:

Exhibit A (4 consecutive pages referencing different “exemptions”)

Exhibit B information redacted under “exemptions”

Exhibit C additional information redacted under “exemptions”

Exhibit D information redacted under “exemptions”

Exhibit E (referring to “investigative depositions” which are not part of the report and have not been produced in this case).

Exhibit F redactions due to “exemptions” and reference to videotape footage which is not part of the report and not produced in this case.

Exhibit G redactions due to “exemptions” and reference to videotape footage which is not part of the report and not produced in this case.

6. The partial OSHA report listed as an exhibit by Defendants does not set forth all of the information upon which the partial OSHA investigators base their conclusions.

7. The partial OSHA report listed as an exhibit by Defendants does not include the statements or “investigative depositions” taken by the OSHA investigators to support conclusions as they relate to an alleged non-compliance with OSHA regulations.

8. The partial OSHA report listed as an exhibit by Defendants has not been authenticated and nothing in Defendants’ Rule 26(a)(3) identifies a witness who can authenticate the redacted, incomplete partial OSHA report.

9. The partial OSHA report listed as an exhibit by Defendants constitutes inadmissible hearsay and does not meet the exceptions set forth in Federal Rule of Evidence 803(a)(c).

10. The partial OSHA report is irrelevant to the issues presented in the case at bar.

11. The partial OSHA report is inadmissible pursuant to Federal Rule of Evidence 403.

12. For these reasons, the Court should not admit the partial OSHA report identified by the Defendants.

WHEREFORE, it is respectfully requested that the Court preclude Defendants from introducing evidence of the partial OSHA report, referring to it, arguing about it and/or otherwise making reference to it.

Respectfully submitted:

THE POWELL LAW GROUP, P.C.

BY: /s/ Robert J. Powell
ROBERT J. POWELL, ESQUIRE
Attorney I.D. No. 58363

BY: /s/ Stephen A. Seach
STEPHEN A. SEACH, ESQUIRE
Attorney for Plaintiff
Attorney I.D. No. 67416
123 Warren Street
West Hazleton, PA 18202-2183
(570) 450-5529

EXHIBIT A



Inspection Report

Fri Jul 2, 1999 2:43pm

Rpt ID	Assignment Nr.	CSHO ID	Supervisor ID	Inspection Nr.	Opt. Insp. Nr.
0317700	0 <i>Not Entered - Ex. 7</i>	<i>860022854</i>	R4211	110030400	Ex. 7

Establishment Name		INTERNATIONAL PAPER			
Site Address	525 Jaycee Drive Hazleton, PA 18201	Site Phone	(570) 459-6060	Site FAX	(570) 459-6070
Mailing Address	525 Jaycee Drive Hazleton, PA 18201	Mail Phone	(570) 459-6060	Mail FAX	(570) 459-6070
Controlling Corp		Employer ID	130872805		
Ownership	A. Private Sector	City	3570	County	079
Legal Entity		Previous Activity (State Only)			

Related Activity					
Type	Number	Satisfied	Type	Number	Satisfied
A. Accident	101370369				

Employed in Establishment		Advance Notice?	No	Category	S. Safety
Covered By Inspection		Union?	No	Primary SIC	2679
Controlled By Employer		Walkaround?	No	Secondary SIC	
		Interviewed? (State only)		Inspected (State Only)	

Inspection Type	A. Fatality/Catastrophe	Reason No Inspection	
Scope of Inspection	B. Partial Inspection		
Classification			
Strategic Initiatives			
National Emphasis			
Local Emphasis			

Anticipatory Warrant Served?	No	Denial Date	Date ReEntered	Date ReDenied	ReEntered
Anticipatory Subpoena Served?	No				

Entry	06/15/99	08:45	First Closing Conference		
Opening Conference	06/15/99	08:45	Second Closing Conference		
Walkaround	06/16/99	11:00	Exit		
Days On Site	2		Case Closed		
			No Citations Issued		

Type	ID	Optional Information

CSHO Signature		Date	
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A-200 Data/Safety and Health Program Evaluation

Fri Aug 20, 1999 1:37pm

Establishment Name	INTERNATIONAL PAPER				Ownership	A. Private Sector	
Site Address	525 Jaycee Drive Hazleton, PA 18201			Site Phone	(570) 459-6060	Site FAX	(570) 459-6070
Mailing Address	525 Jaycee Drive Hazleton, PA 18201			Mailing Phone	(570) 459-6060	Mailing FAX	(570) 459-6070
Controlling Corp					Employer ID	130872805	

SUMMARY OSHA-200 DATA					Data Not Available		Partial Log Year		# Of Weeks	0								
LWDI RATE		LWDII RATE		Log Year	1998	Employment Average	0	Total Hours Worked										
Occupational Injury Cases						Occupational Illness Cases												
(1) Nbr. of Fatality Dates	(2) Lost Workday Cases	(3) Cases With Days Away	(4) Nbr. of Days Away	(5) Restricted Workdays	(6) Cases w/o Lost Workdays	(7a) Skin Diseases/ Disorders	(7b) Dust Diseases (Lungs)	(7c) Respiratory Toxic Agents	(7d) Poisons	(7e) Disorders Physical Agents	(7f) Repeat Trauma	(7g) Other	(8) Nbr. of Fatality Dates	(9) Lost Workday Cases	(10) Cases With Days Away	(11) Nbr. of Days Away	(12) Restricted Workdays	(13) Cases w/o Lost Workdays

SUMMARY OSHA-200 DATA					Data Not Available		Partial Log Year		# Of Weeks	0								
LWDI RATE		LWDII RATE		Log Year	1997	Employment Average	0	Total Hours Worked										
Occupational Injury Cases						Occupational Illness Cases												
(1) Nbr. of Fatality Dates	(2) Lost Workday Cases	(3) Cases With Days Away	(4) Nbr. of Days Away	(5) Restricted Workdays	(6) Cases w/o Lost Workdays	(7a) Skin Diseases/ Disorders	(7b) Dust Diseases (Lungs)	(7c) Respiratory Toxic Agents	(7d) Poisons	(7e) Disorders Physical Agents	(7f) Repeat Trauma	(7g) Other	(8) Nbr. of Fatality Dates	(9) Lost Workday Cases	(10) Cases With Days Away	(11) Nbr. of Days Away	(12) Restricted Workdays	(13) Cases w/o Lost Workdays

SUMMARY OSHA-200 DATA					Data Not Available		Partial Log Year		# Of Weeks	0								
LWDI RATE		LWDII RATE		Log Year	1996	Employment Average	0	Total Hours Worked										
Occupational Injury Cases						Occupational Illness Cases												
(1) Nbr. of Fatality Dates	(2) Lost Workday Cases	(3) Cases With Days Away	(4) Nbr. of Days Away	(5) Restricted Workdays	(6) Cases w/o Lost Workdays	(7a) Skin Diseases/ Disorders	(7b) Dust Diseases (Lungs)	(7c) Respiratory Toxic Agents	(7d) Poisons	(7e) Disorders Physical Agents	(7f) Repeat Trauma	(7g) Other	(8) Nbr. of Fatality Dates	(9) Lost Workday Cases	(10) Cases With Days Away	(11) Nbr. of Days Away	(12) Restricted Workdays	(13) Cases w/o Lost Workdays

Exemption 4



Inspection Narrative

Mon Jun 21, 1999 8:33am

Inspection Nr.		110030400	
Opt. Case Number		Ex-7c	
Establishment Name		INTERNATIONAL PAPER	
Legal Entity		Type of Business	conversion, distribution paper

Additional Citation Mailing Addresses

Organized Employee Groups

Authorized Employee Representatives

Employer Representatives Contacted

Name	Title	Function	Walk Around?
Michael P. Nameth	plant controller	IO	Y
Ron Umgeo	Memphis office	MO	Y
Jeffery Carr	2nd shift supv.	MO	Y
Howard Schaffer	Q. C. mgr	MO	Y
Steve Badamo	safety coordinator	MO	Y
Edward J. Garbacik	traffic supv.	MO	Y
John Paulshock	maint. supv.	MO	Y
Mike Osteen	regional safety coord.	MO	Y
Fred Blase	plant mgr.	M	Y
Bill Pierre	B H R L	M	Y
L H Rickett	V/P, Gen'l Mgr. Com. P.P	M	Y
Kate McGlynn	EHS mgr. conv. & spec. pa	M	Y
Julie Brennan	communications, Lockhaven	M	Y
Carl Bumgardner	Bus. Mgr. Comm. Printing	M	Y

Other Persons Contacted

Exemption
7c & 7d

Entry	06/15/99	08:45	First Closing Conference		
Opening Conference	06/15/99	08:45	Second Closing Conference		
Walkaround	06/16/99	11:00	Exit		OSHA-1A (Rev. 6/93)

Case Closed

00017

Followup Inspection?	Reason
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Exemption
S



Fatality/Catastrophe Report

June 22, 1999 11:44am

Reporting ID	0317700	Previous Activity (Type & Number)	0		Event Number	101370369	
Establishment Information	Establishment Name	INTERNATIONAL PAPER				Employer ID	130872805
	Site Address	525 Jaycee Drive Hazleton PA 18201				City Code	3570
	Site Phone	(570) 459-6060	Site FAX	(570) 459-6070	County Code	079	
	Event Address (if different)						
Industry & Ownership	Type of Business	MFG OF PAPERBOARD				Primary SIC	2679
	Ownership	A. Private Sector					No. of Employees
Receipt Information	Reported By	ED GARBACIK		Date	06/14/99	Time	7:30 P.M.
	Job Title	DISTRICT MANAGER		Telephone	570-450-0509		
Employee Representation	Group Name(s):						
Classification	A. Fatality						
Event Description	Event Date	Event Time	Number of Fatalities	Number of Hospitalized Injuries	Number of NonHospitalized Injuries	Number Unaccounted for	
	06/14/99	06:40 pm	1	0	0	0	
	Type of Event	crushed by roller					
Preliminary Description	Mr. Brad Fisher, deceased, was working to free a jam on a piece of equipment when the roller came free and pinched his head.						
	Deceased: Brad Fisher <i>INVESTIGATION INITIATED ON 6/15/99.</i>						
Action	Inspection Planned?	Supervisor(s) Assigned			CSHO(s) Assigned		
	Yes	R4211					
Strategic Initiatives							
National Emphasis							
Local Emphasis							
Optional Information	Type	ID	Optional Information Value				

00019

Coverage Information/Additional Comments
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SAFETY NARRATIVE

Inspection Number	110030400
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COVERAGE INFORMATION H Q Memphis Tenn.

NATURE AND SCOPE

Check Applicable Boxes and Explain Findings:

- ☐ Complaint Items
- ☐ Referral Items
- ☒ Accident Investigation Summary & Findings
- ☐ LEP
- ☐ Planned Inspection
- ☐ Follow-Up Inspection

NATURE AND SCOPE -- UNUSUAL CIRCUMSTANCES (Mark X and explain all that apply:)

- ☒ None
- ☐ Denial of entry (see denial memo)
- ☐ Delays in conducting the inspection
- ☐ Strikes
- ☐ Jurisdictional Issues
- ☐ Trade Secrets
- ☐ Other

Comments:

OPENING CONFERENCE NOTES:

RECORDKEEPING PROGRAMS
(other than 29 CFR 1904 requirements)

Does the employer have a recordkeeping program relating to any occupational health issues (monitoring, medical, training, respirator fit tests, ventilation measurements, etc.)?

☐ Yes ☐ No

Are any programs required by OSHA health standards?

☐ Yes ☐ No

If yes, complete the items 1 and 2 below.

1. Lifting (10% or more similarly exposed employees injured)
 - a. Total # of employees exposed to job:
 - b. Total # of cases for job:
2. CTD's (10% or more similarly exposed employees have CTD's; 5% or more CTS cases)
 - a. Total # of employees exposed to job:
 - b. Total # of cases for job:

Other significant injury/illness trends

☐ Yes ☐ No

If yes, explain.

EVALUATION OF EMPLOYER'S OVERALL SAFETY AND HEALTH PROGRAM

General Industry:

☒ Yes ☐ No Employer has a Safety & Health Program

☒ Yes ☐ No Written

☒ Yes ☐ No Copy Attached

Construction Industry:

☐ Yes ☐ No Accident Prevention Program

☐ Yes ☐ No Written

☐ Yes ☐ No Copy Attached

Evaluation of Safety and Health Program

(0 = Nonexistent 1 = Inadequate 2 = Average 3 = Above average)

☐ Written S&H Program

☐ Communication to Employees

☐ Enforcement

☐ Safety Training Program

☐ Health Training Program

☐ Accident Investigation Performed

INTERNATIONAL PAPER

Inspection Nr. 110030400

☐ Preventive Action Taken

Comments:

CLOSING CONFERENCE NOTES:

Were any unusual circumstances encountered such as, but not limited to, abatement problems, expected contest and/or negative employer attitude? If yes, explain below.

☐ Yes ☐ No

19. Closing Conference Checklist ("x" as appropriate)

☐ No Violations Observed☐ Gave Copy Employer Rights☐ Reviewed Hazards & Standards☐ Discuss Employer Rights/Obligations☐ Encouraged Informal Conference☐ Offered Abatement Assistance☐ Discussed Consultation Programs☐ Employer/Employee Questionnaires**Closing Conference Held with Employee Representative**☐ Jointly ☐ Separately

CSHO Signature		Date	
Accompanied By			

**Investigation Summary**

Tue Aug 24, 1999 12:47pm

Reporting ID	Investigation Summary Number	OSHA-36 Number	OSHA-36 Establishment Name
0317700	201370418	101370369	INTERNATIONAL PAPER
Event Date	06/14/99	Event Time	06:40 pm
Type of Event	crushed by roller		

Inspection Number/ Establishment Name	110030400 INTERNATIONAL PAPER
Injured/Deceased Name	Bradley Fisher
Sex:	M. Male
Age:	42
Injury:	A. Fatality
Nature:	12 Fracture
Part of Body:	13 Head
Source of Injury:	26 Machine
Event Type:	01 Struck by
Environmental Factor:	04 Squeeze point action
Human Factor:	13 Malfunction of procedure for lock out or tag out
Task:	A Regularly Assigned
Substance Code:	
Occupational Code	

Abstract:

A maintenance mechanic along with a project engineer were performing a repair on #70 Sheeter carriage system, front roll stands #1 & #2. The Sheeter splicer section of roll stand #1 & #2 were shut down but not locked out. The two employees were attempting to replace a broken encoder chain when the carriage rollers suddenly and rapidly moved forward crushing the mechanic head between the carriage rollers and another roller, wedging his head.

EXHIBIT B



Worksheet

Tue Dec 7, 1999 8:42am

				Inspection Number	110030400
				Opt. Insp. Number	4.7c
Establishment Name	INTERNATIONAL PAPER				
Type of Violation	S Serious	Citation Number	01	Item/Group	001
Number Exposed	20	No. Instances	1	REC	A Accident
Std. Alleged Vio.	1910.0147(c)(1)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
1					
Abatement Documentation Required				Y	Date Verified

Substance Codes	
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AVD/Variable Information:	
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29 CFR 1910.147(c)(1)

- a) Production areas, covered machinery: the employer's Lockout/Tagout Program (ZES/Hazardous Energy Control Program) did not establish task-specific intermediate energy control (IES) procedures, on or about June 14, 1999.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED

Penalty Calculations				Adjustment Factors			Proposed Penalty
Severity	Probability	Gravity	GBP	Size	Good Faith	History	
Repeat Factor				Exemption 5			

Employee Exposure:							
Occupation	project engineer, mach sho			Employer	INTERNATIONAL PAPER		
Nr of Employees	20			Duration	more 6 mon	Frequency	
Employee Name							
Address				Phone			
Occupation	maint mechanic			Employer	INTERNATIONAL PAPER		
Nr of Employees	20			Duration	more 6 mon	Frequency	
Employee Name							
Address				Phone			
Occupation				Employer	INTERNATIONAL PAPER		
Nr of Employees	20			Duration	more 6 mon	Frequency	
Employee Name							

Address		Phone	
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Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
6/16/99 10am

20. Instance Description - Describe the following:

a) Hazards-Operation/Condition-Accident

employers lockout program did not establish task-specific intermediate energy control procedures (IES) to be utilized

b) Equipment--L/O program

c) Location --Production areas

d) Injury/Illness--crushing, amputation, electric shock

e) Measurements

the employer's L/o-T/o program (ZES) in effect 6/16/99 addressed (IES) on page #1 under Policy, page #1-2 under general rules "Zero energy procedures will be utilized unless performing at an intermediate energy level. In this case, task-specific intermediate energy procedures will be followed", page # 3-B- 1&2 for Written Procedures addressed for (ZES) and (IES) however did not establish procedures for task-specific (IES)

21. Photo Number	Location on Video

23. Employer Knowledge :

had program but not complete

24. Comments (Employer, Employee, Closing Conference) :

9/2/99-- Employer included in revised program,for (ZES)/(IES) section 5.0, 6.0, 20.0, 20.1, 20.2, all addressing task-specific (IES) for work centers Bag House and Key Switch #70 Splicer

25. Other Employer Information :

26. Classification:				
Serious	Knowledge	S or O	Repeat?	Willful?
y	y	s	n	n

First Repeat	Second Repeat	Repeat Penalty

Event Date	Event Code	Action Code	Citation Type	Penalty	Abate Date	Final Order
	Z Add transaction	A Add	S Serious	5000.00		

EXHIBIT C



Worksheet

Tue Dec 7, 1999 8:34am

Inspection Number	110030400
Opt. Insp. Number	6470

Establishment Name	INTERNATIONAL PAPER				
Type of Violation	S Serious	Citation Number	01	Item/Group	002
Number Exposed	20	No. Instances	2	REC	
Std. Alleged Vio.	1910.0333(b)(2)(i)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
1					
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:

29 CFR 1910.333(b)(2)(i)

a) Production areas, 110, 220, 480 volt electrical equipment: the employer did not maintain a copy of the written procedures outlined in 29 CFR 1910.333(b)(2) and make available for inspection by employees who service/repair electrical equipment.

**ABATEMENT OBSERVED DURING INSPECTION
NO CERTIFICATION REQUIRED**

Penalty Calculations				Adjustment Factors			Proposed Adjusted Penalty
Severity	Probability	Gravity	GBP	Size	Good Faith	History	
Exemption 5							
Repeat Factor							

Employee Exposure:						
Occupation	project engineer,mach sho		Employer	INTERNATIONAL PAPER		
Nr of Employees	20		Duration	more 6 mon	Frequency	
Employee Name						
Address						
Occupation	maint mechanic		Employer	INTERNATIONAL PAPER		
Nr of Employees	20		Duration	more 6 mon	Frequency	
Employee Name						
Address						
Occupation			Employer	INTERNATIONAL PAPER		
Nr of Employees	20		Duration	more 6 mon	Frequency	
Employee Name						
Address						

Address	Phone
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Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
6/16/99 10am

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident
employers lockout program did not establish and incorporating the requirements of paragraphs 1910.333(b)(2)(iii)(D) and 1910.333(b)(2)(iv)(B) when utilizing procedures of 1910.147 to cover electrical lockout.
- b) Equipment--L/O program
- c) Location --Production areas
- d) Injury/Illness--, electric shock
- e) Measurements

21. Photo Number	Location on Video

23. Employer Knowledge :

had program but not complete

24. Comments (Employer, Employee, Closing Conference) :

9/2/99, included in revised program

25. Other Employer Information :

26. Classification:				
Serious	Knowledge	S or O	Repeat?	Willful?
y	y	s	n	n

First Repeat	Second Repeat	Repeat Penalty

Event Date	Event Code	Action Code	Citation Type	Penalty	Abate Date	Final Order
	Z Add transaction	A Add	S Serious	2500.00		

EXHIBIT D



Worksheet

Tue Dec 7, 1999 8:34am

				Inspection Number		110030400	
				Opt. Insp. Number		867C	
Establishment Name INTERNATIONAL PAPER							
Type of Violation		S Serious		Citation Number		01	
Number Exposed		20		No. Instances		1	
Std. Alleged Vio.		1910.0147(f)(3)(i)		Item/Group		003	
				REC		A Accident	

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
1					
Abatement Documentation Required				Y	Date Verified

Substance Codes	
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AVD/Variable Information:

29 CFR 1910.147(f)(3)(i)

- a) Production area, No. 70 Sheeter machine, group lockout or tagout procedures were not utilized when more than one person, crew, craft, department, or other group was performing service or maintenance, on or about June 14, 1999.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED

#12/10/99

Penalty Calculations				Adjustment Factors			Proposed Adjusted Penalty
Severity	Probability	Gravity	GBP	Size	Good Faith	History	
Repeat Factor							

Employee Exposure:							
Occupation	project engineer			Employer	International Paper		
Nr of Employees	20			Duration	Frequency		
Employee Name							
Address				Phone			
Occupation	Maintenance Mechanic			Employer	International Paper		
Nr of Employees	20			Duration	Frequency		
Employee Name							
Address				Phone			
Occupation				Employer	International Paper		
Nr of Employees	20			Duration	Frequency		
Employee Name							
Address				Phone			

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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EXHIBIT E

4. Date/Time
6/16/99 4:00pm

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: Prior to the fatal accident, more than one employee performed service or maintenance on the #70 sheeter and group lockout was not utilized. On the day of the fatality, a maintenance mechanic, an engineer, and the #70 sheeter operator and his two helpers, did not use group lockout procedures. During the investigative depositions, the plant manager (Fred Blase), defined group lockout as a machine with multiple energy sources (mechanical, electrical, pneumatic). He did not indicate any association with multiple employees performing service at the same time.
- b) Equipment: #70 sheeter
- c) Location : production floor
- d) Injury/Illness: fatality
- e) Measurements: investigative depositions

21. Photo Number	Location on Video

23. Employer Knowledge : employer has written lo/to procedures more than one employee may be needed to perform service or maint. on a machine

24. Comments (Employer, Employee, Closing Conference)

25. Other Employer Information :

26. Classification:				
Serious	Knowledge	S or O	Repeat?	Willful?
y	y	s	n	n

First Repeat	Second Repeat	Repeat Penalty

Event Date	Event Code	Action Code	Citation Type	Penalty	Abate Date	Final Order
	Z Add transaction	A Add	S Serious	5000.00		

EXHIBIT F



Worksheet

Tue Dec 7, 1999 8:34am

				Inspection Number		110030400	
				Opt. Insp. Number		470	
Establishment Name INTERNATIONAL PAPER							
Type of Violation		S Serious		Citation Number		01	
Number Exposed		2		Item/Group		004 (a)	
Std. Alleged Vio.		1910.0147(c)(4)(i)		No. Instances		2	
				REC		A Accident	

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates	
	PPE Period	Plan	Report			
1						
Abatement Documentation Required				Y	Date Verified	

Substance Codes	
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AVD/Variable Information:

29 CFR 1910.147(c)(4)(i)

a) Production area, No. 70 Sheeter machine, Splicer section, Nos. 1 and 2 Roll stands: specific procedures for the control of hazardous energy were not utilized (the equipment was not locked-out) exposing workers repairing the equipment to the hazard of inadvertent start-up or residual energy, on or about June 14, 1999.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED

12/10/99

Penalty Calculations				Adjustment Factors			Proposed Adjusted Penalty
Severity	Probability	Gravity	GBP	Size	Good Faith	History	
Repeat Factor							

Employee Exposure:							
Occupation	maint mechanic (victim)			Employer	INTERNATIONAL PAPER		
Nr of Employees	2			Duration	1/2 hr	Frequency	
Employee Name	Bradley Fisher						
Address					Phone		
Occupation	project engineer, mach sho			Employer	INTERNATIONAL PAPER		
Nr of Employees	2			Duration	1/2 yr	Frequency	
Employee Name							
Address					Phone		

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
accident-6/14/99-6:45pm
video -6/15/99-11am
-6/16/99-4:05pm

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident

Maintenance mechanic and Project engineer were attempting to repair broken encoder chain without locking out energy sources, air and electric power, exposing employees to unexpected machine start up.

- b) Equipment--#70 Sheeter Machine, Splicer section, #1 and #2 Roll stands

- c) Location --Production area

- d) Injury/Illness--death/ crushed between

- e) Measurements

At approx. 6:45pm on 6/14/99 Bradley Fisher maint. mech. was performing repair of encoder chain on #70 Sheeter carriage system, front roll stands #1 & #2. Assisting him was [redacted]. The Sheeter nor the splicer section #1 & #2 roll stands power sources were not shut off nor locked out. They were attempting to replace a broken encoder chain when the carriage roller suddenly and rapidly moved forward and crushed Fisher head between another roller and was wedged between them.

21. Photo Number	Location on Video
	see #4

26. Classification:				
Serious	Knowledge	S or O	Repeat?	Willful?

y	y	s	n	n
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First Repeat	Second Repeat	Repeat Penalty

Event Date	Event Code	Action Code	Citation Type	Penalty	Abate Date	Final Order
	Z Add transaction	A Add	S Serious	5000.00		

EXHIBIT G



Worksheet

Tue Dec 7, 1999 9:33am

Inspection Number				110030400	
Opt. Insp. Number				En 7C	
Establishment Name	INTERNATIONAL PAPER				
Type of Violation	S Serious	Citation Number	01	Item/Group	004 (b)
Number Exposed	2	No. Instances	2	REC	A Accident
Std. Alleged Vio.	1910.0147(d)(4)(i)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
1					
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:	
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29 CFR 1910.147(d)(4)(i)

a) Production area, No. 70 Sheeter machine, Splicer section, Nos. 1 and 2 Roll stands: lockout or tagout devices were not affixed to each energy isolating device by authorized employees, on or about June 14, 1999.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED

Penalty Calculations				Adjustment Factors			Proposed Adjusted Penalty
Severity	Probability	Gravity	GBP	Size	Good Faith	History	
Repeat Factor							

Employee Exposure:						
Occupation	maint mechanic (victim)		Employer	INTERNATIONAL PAPER		
Nr of Employees	2		Duration	1/2 hr	Frequency	
Employee Name	Bradley Fisher					
Address				Phone		
Occupation	project engineer, mach sho		Employer	INTERNATIONAL PAPER		
Nr of Employees	2		Duration	1/2 yr	Frequency	
Employee Name						
Address				Phone		

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
4. Date/Time					
accident-6/14/99-6:45pm					
video -6/15/99-11am					
-6/16/99-4:05pm					

20. Instance Description - Describe the following:
a) Hazards-Operation/Condition-Accident

Maintenance mechanic and Project engineer were attempting to repair broken encoder chain without locking out energy sources, air and electric power, expoing employees to unexpected machine start up.

- b) Equipment--#70 Sheeter Machine, Splicer section, #1 and #2 Roll stands
- c) Location --Production area
- d) Injury/Illness--death/ crushed between
- e) Measurements

At approx. 6:45pm on 6/14/99 Bradley Fisher maint. mech. was performing repair of encoder chain on #70 Sheeter carriage system, front roll stands #1 & #2. Assisting him was The Sheeter nor the splicer section #1 & #2 roll stands power sources were not shut off nor locked out. They were attempting to replace a broken encoder chain when the carriage roller suddenly and rapidly moved forward and crushed Fisher head between another roller and was wedged between them.

21. Photo Number	Location on Video
	see #4

26. Classification:				
Serious	Knowledge	S or O	Repeat?	Willful?

y	y	s	n	n
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First Repeat	Second Repeat	Repeat Penalty

Event Date	Event Code	Action Code	Citation Type	Penalty	Abate Date	Final Order
	Z Add transaction	A Add	S Serious	0.00		